

Panaji, 4th August, 1997 (Sravana 4, 1919)

SERIES I No. 18

OFFICIAL GAZETTE



GOVERNMENT OF GOA

SUPPLEMENT

No. 2

GOVERNMENT OF GOA

Goa Legislature Secretariat

LA/B/1944/1997

The following Bill which was introduced in the Legislative Assembly of Goa on 28-7-97 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 29th July, 1997.

The Goa Town and Country Planning (Amendment) Bill, 1997

(Bill No. 23 of 1997)

A

BILL

further to amend the Goa, Daman and Diu Town and Country Planning Act, 1974.

Be it enacted by the Legislative Assembly of Goa in the Forty-eighth Year of the Republic of India as follows:

1. *Short title and commencement.*—(1) This Act may be called the Goa Town and Country Planning (Amendment) Act, 1997.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975) (hereinafter referred to as the "principal Act"), in clause (10), the figure and expression "the cutting of a hill or any portion thereof", shall be deleted.

3. *Insertion of new section.*— After section 16 of the principal Act, the following shall be inserted, namely:—

"16A. *Development to conform to regional plan.*— (1) No person shall undertake any work of development in contravention of any provision of the regional plan as in force, either by himself or through his servant or agent or any other person and all such development work shall be in conformity with the provisions of the regional plan.

(2) Whoever undertakes any work of development in contravention of the regional plan as in force, shall be punished with fine which may extend to Rs. 1.00 lakh.

(3) An offence under this section shall be cognizable."

4. *Insertion of new section.*— After section 17 of the principal Act, the following shall be inserted, namely:

"17A. *Prohibition on cutting of hilly land and filling up of low lying land, etc.*— No occupier of any hilly or sloppy land or any low lying land shall, by himself or through his servants or agents or any other persons, undertake the work of cutting of any hilly or sloppy land or filling up of any low lying land, in, over or upon any hilly or sloppy land, as the case may be, without obtaining the prior written permission from the Chief Town Planner.

Explanation:— For the purpose of section 17A.—

- (i) "low lying land" means and includes any land below 50 cms. or more than from the adjoining ground level;
- (ii) "hilly land or sloppy land" means and includes any land having a gradient of 1:10 or more.

17B. *Penalty for contravention of section 17A.*— (1) Whosoever contravenes or abets the contravention of any of the provisions of section 17A, shall be punishable with simple imprisonment for a period which may extend to one year or fine which may not be less than Rs. 1.00 lakh or with both.

(2) An offence under this section shall be cognizable.”.

(Annexure to Bill No. 23 of 1997)

5. *Amendment of section 52.*— In section 52 of the principal Act, in sub-section (7), for the expression, “ten thousand rupees,” the expression “One lakh rupees” shall be substituted.

6. *Amendment of section 53.*— In section 53 of the principal Act, in sub-section (3), for the expression, “ten thousand rupees,” the expression “One lakh rupees” shall be substituted.

Statement of Objects and Reasons

The Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975), provides for planning, development and use of rural and urban land in the State of Goa. The Act also provides for preparation of Regional Plan for such area together with a report explaining the various aspects of development proposed in such plan. Similarly, on publication of such Regional Plan for an area of development, programme is required to be undertaken within that area by the public and other private institutions, so that development shall be in conformity with the provisions of such Regional Plan. It is found that many persons undertake the work of development in contravention of the provisions of the Regional Plan as in force in the State and in absence of any penalty prescribed for undertaking any work of development in contravention of the Regional Plan as in force, the persons thereof, cannot be penalised. It is proposed to incorporate a new section thereby restricting a person from undertaking any work of development in contravention of the provisions of the Regional Plan and penalty is also specified with fine which may extend to Rs. 1.00 lakh. The offence thereof, is also made cognizable.

It is also noticed that widespread cutting of hilly or sloppy land and/or filling of low-lying land is causing environmental instability in the State and in order to provide a State-wise control, it is proposed that regulation of cutting of hilly or sloppy land and filling up of low-lying land should be entrusted to the Chief Town Planner. The offence of pursuing the activities under reference without written permission of the Chief Town Planner is proposed to be made cognizable, by incorporating a new section 17A thereof. A penalty is also proposed to the extent of simple imprisonment for a period which may extend to one year or with fine which may not be less than Rs. 1.00 lakh or with both. The offence under the said section is proposed to be made cognizable.

Similarly, under sections 52 and 53 of the Act, for removal of unauthorised development as well as failure to stop any unauthorised development, a maximum fine which has been laid down to the extent at Rs. 10,000/- is proposed to be enhanced to the extent of Rs. 1.00 lakh so as to have effective control over such unauthorised developments.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
24th July, 1997.

Assembly, Hall,
Panaji,
25th July, 1997.

PRATAP SINGH RANE
Chief Minister

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

The Goa Town and Country Planning (Amendment) Bill, 1997

The Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975)

Section 2 (10) “development” with its grammatical variation and cognate expressions, means the carrying out of building, engineering, mining, quarrying or other operations in, on, over or under, land the cutting of a hill or any portion thereof or the making of any material change in any building or land, or in the use of any building or land, and includes subdivision of any land;

16. *Effect of regional plan.*— On and from the date of publication of the regional plan under section 15 for an area all development programmes undertaken within that area by any Department of the Government or by public and private institutions or by any other person shall conform to the provisions of such regional plan.

Section 17. *Revision of regional Plan.*— If the government, at any time after a regional plan has been published in the Official Gazette, but not earlier than five years therefrom, is of the opinion that a revision of such regional plan is necessary, it may direct the Chief Town Planner to undertake the revision of the regional plan and thereupon the foregoing provisions of this Act relating to the preparation of the regional plan shall, as far as may be, apply to the revision of a regional plan under this section.

52. *Power to require removal of unauthorised development.*— (1) Where any development or change of use of land has been carried out in any manner specified in clauses (a) to (f) of sub-section (1) of section 51, the Planning and Development authority may, within four years of such development serve on the owner a notice requiring him, within such period, being not less than one month from the date of service of such notice as may be specified therein, to take any of the following steps as may be specified in the notice, namely:—

(a) in the cases specified in clause (a) or clause (c) or clause (e) of the said sub-section to restore the land to its condition before the said development took place;

(b) in the cases specified in clause (d) or clause (f) of the said sub-section to secure compliance with the conditions subject to which the permission was granted or with the permission as so modified;

(c) in the cases specified in clause (b), to pay the development charge and such penalty, if any, as may be prescribed,

and in particular, such notice may, for any of the purposes aforesaid require

(i) the demolition or alteration of any building or work;

(ii) the carrying out on land, of any building or other operations;
or

(iii) the discontinuance of any use of land.

Provided that in case the notice required the discontinuance of the use of any land, the Planning and Development authority shall serve a notice on the occupier also.

(2) any person aggrieved by a notice served under sub-section (1) may within such period and in such manner as may be prescribed—

(a) apply for permission under section 44 for the retention on the land of any buildings or works or for the continuance of any use of the land, to which the notice relates; or

(b) appeal to the Board.

(3) Where an application for permission has been made under clause (a), or an appeal has been preferred under clause (b), of sub-section (2), the notice served under sub-section (1) shall have no effect until the final determination or withdrawal of the application or the appeal, as the case may be.

(4) Where permission is granted on an application referred to in clause (a) of sub-section (2), notice issued under sub-section (1) shall not have effect and where such permission is granted for the retention only of some building or work or for the continuance of use of only a part of the land, such notice shall not take effect regarding such building or work or such part of the land, but shall have full effect regarding other buildings or works or other parts of the land.

(5) Where an appeal has been preferred under clause (b) of sub-section (2), the Board shall, after giving a reasonable opportunity of being heard to the appellant and the Planning and Development Authority concerned, may allow or dismiss the appeal either by quashing of varying the notice as it may think fit.

(6) If within the period specified in the notice or within such period after the disposal or withdrawal of an application for permission or an appeal under sub-section (2), as may be prescribed, the notice or so much of it as continues to have effect or the notice with variations made in such appeal is not complied with, the Planning and Development Authority may —

(a) prosecute the owner for not complying with the notice and in case where the notice required the discontinuance of any use of land, also any other person who uses the land or causes or permits the land to be used in contravention of the notice; and

(b) in the case of a notice requiring the demolition or alteration of any building or work or other operations, itself cause the restoration of the land to its condition before the development took place and secure the compliance with the conditions of the permission or with the permission modified by taking such steps as the Planning and Development Authority may consider necessary including demolition or alteration of any building or works or carrying out of any building or other operations and may recover the cost of any expenses incurred by it in this behalf from the owner as arrears of land revenue.

(7) Any person prosecuted under clause (a) of sub-section (6) shall be punishable with fine which may extend to ten thousand rupees, and in the case of a continuing contravention with a further fine which may extend to five hundred rupees for every day during which such contravention continued after conviction for the first such contravention.

53. *Power to stop unauthorised development.* — (1) Where any development or change of use of land is being carried out in any manner specified in clauses (a) to (f) of sub-section (1) of section 51, but has not been completed, the Planning and Development Authority may serve on the owner and the person carrying out the development or change a notice requiring such development or change of use of land to be discontinued from the date of service of such notice.

(2) Where a notice has been served under sub-section (1) the person aggrieved by such notice may appeal to the Board and the provisions of sub-sections (5) and (6) of section 52 shall apply with such modifications as may be necessary.

(3) Any person, who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, even after a notice has been served under sub-section (1) shall be punishable with fine which may extend to ten thousand rupees and when the non-compliance is a continuing one, with a further fine which may extend to five hundred rupees for every day after the date of the service of the notice during which the non-compliance has continued or continues.

Assembly Hall,
Panaji.
25th July, 1997.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

LA/B/1944/1997

The following Bill which was introduced in the Legislative Assembly of Goa on 28-7-97 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 29th July, 1997.

The Indian Stamp (Goa Amendment)
Bill, 1997

(Bill No. 28 of 1997)

A
BILL

further to amend the Indian Stamp Act, 1899, as in force in the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Indian Stamp (Goa Amendment) Act, 1997.

(2) It shall come into force at once.

2. *Amendment of section 2.* — In the Indian Stamp Act, 1899 (Central Act 2 of 1899), as in force in the State of Goa (hereinafter referred to as the principal Act), in section 2,

(i) after clause (7), the following shall be inserted, namely:—

“(7A) Chief Controlling Revenue Authority means such Officer as the Government may, by notification in the Official Gazette, appoint in this behalf for the State;”

(ii) in clause (13), after sub-clause (b), the following sub-clauses shall be inserted, namely:—

(c) impression by franking machine;

(d) impression by any such machine as the Government may, by notification in the Official Gazette, specify;.

3. *Amendment of section 10.* — In section 10 of the principal Act, after sub-section (2), the following shall be inserted, namely:—

“(2A) The Chief Controlling Revenue Authority, may subject to such conditions as he may deem fit to impose, authorise use of franking machine or any other machine specified under sub-clause (d) of clause (13) of section 2, for

making impressions on instruments chargeable with duties to indicate payment of duties payable on such instruments.

(2B) (a) Where the Chief Controlling Revenue Authority is satisfied that having regard to the extent of instruments executed and the duty chargeable thereon, it is necessary in public interest to authorise any person, body or organisation to such use of franking machine or any other machine, he may, by order in writing, authorise such person, body or organisation.

(b) Every such authorisation shall be subject to such conditions, if any, as the Chief Controlling Revenue Authority may, by any general or special order, specify in this behalf.

(2C) The procedure to regulate the use of franking machine or any other machine as so authorised shall be such as the Chief Controlling Revenue Authority may, by order, determine.

(3) Notwithstanding anything contained in sub-section (1), where the Government, in relation to any area in the State, is satisfied that on account of temporary shortage of stamps in any area in the State, duty chargeable cannot be paid and payment of duty cannot be indicated on instruments by means of stamps, the Government, may, by notification in the Official Gazette, direct that, in such area and for such period as may be specified in such notification, the duty may be paid in cash or by demand draft or by pay order in any Government treasury or Government Sub-treasury or any other place as the Government may, by notification in the Official Gazette, appoint in this behalf and the receipt or challan therefor shall be given by the Officer in charge thereof. Such receipt or challan shall be presented to the Chief Controlling Revenue Authority who shall, after due verification that the duty has been paid in cash or by demand draft or by pay order, make an endorsement to that effect on the instrument to the following effect, after cancelling such receipt or challan so that it cannot be used again, namely:—

Stamp duty of Rs. paid in cash or by demand draft or by pay order vide Receipt/Challan No. dated the

Signature of the Chief
Controlling Revenue Authority

Provided that the period to be specified in the notification shall not exceed a period of three months.

Explanation.— For the purposes of this sub-section, the expressions “demand draft” and “pay order” mean the demand draft or pay order issued by the State Bank of India constituted under the State Bank of India Act, 1955, or, a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or, under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, or, any other bank being a Scheduled Bank as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934.

(4) An impression made under sub-section (2A), (2B) and (2C), or, as the case may be, an endorsement made under sub-

section (3), or any instrument, shall have the same effect as if duty of an amount equal to the amount indicated in the impression or, as the case may be, stated in the endorsement has been paid in respect of, and such payment has been indicated on such instrument by means of stamps, under sub-section (1).”

4. *Amendment of Schedule I-A.* — In Schedule I-A to the principal Act,—

(a) in Article 5 (b), after the word “sale” and before the word “Government”, for the word “or”, the word “of” shall be substituted;

(b) in Article 45, for clause A, the following shall be substituted, namely:—

“A. Instrument of.

(a) where the capital of the partnership does not exceed

Rs.	1,000/-	...	Five rupees
Rs.	5,000/-	...	Fifteen rupees
Rs.	10,000/-	...	Twenty five rupees
Rs.	15,000/-	...	Fifty rupees
Rs.	20,000/-	...	Seventy five rupees
Rs.	25,000/-	...	Hundred rupees

(b) in any other case. ... Fifty rupees”.

Statement of Objects and Reasons

In order to mitigate the difficulties faced by the public in procuring stamp papers by standing in queues and also to save on time, the Indian Stamp Act, 1899 (Central Act 2 of 1899), as in force in the State of Goa, is proposed to be amended so as to provide for use of Franking Machines for making impressions on instruments chargeable with duties, in token of payment of duties payable on such instruments. It is also proposed to amend Schedule I A to the said Act, 1899, so as to rectify a typographical error in Article 5 (b) thereof so also to substitute clause A of Article 45 thereof by new clause.

This Bill seeks to achieve the above objects.

Financial Memorandum

Before purchasing the Franking Machines, concurrence of the Finance Department will be obtained. As regards amendment to Schedule I-A, the financial implications involved cannot be quantified.

Memorandum on Delegated Legislation

Clause 2 of the Bill enables the Government to appoint any officer by notification in the Official Gazette to exercise the power of the Chief Controlling Revenue Authority.

This delegation is of normal character.

Panaji,
24th July, 1997.

WILFRED MISQUITA
Minister for Revenue

Assembly Hall,
Panaji.
24th July, 1997.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

(4) Knowledge of Konkani.

Note:

- (i) Candidate will be required to pass the departmental examination on completion of initial training of six months and Sub-Officer's Course from the National Fire Service College, Nagpur, during the period of probation. However, preference will be given to those candidates who have undergone and successfully completed the Sub-Officer's Course at the National Fire Service College, Nagpur.
- (ii) Those who have completed and passed the Sub-officers Course shall have to only attend and pass the departmental physical efficiency test and will be exempted from 6 months training. He should be able to read Konkani/Marathi.
- (iii) In the event of a candidate's failure to pass the departmental test during the period of probation, his services is liable for termination.

Desirable:

Degree of a recognised University or equivalent.

1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
3.	12	Group 'C' (Non-Ministerial, Non-Gazetted).	Rs. 975-25-1150-EB-30-1660.	Selection.	Not applicable.	No	Not applicable.	N. A.	Two years.	By promotion or transfer.	Promotion: Fireman/Watchroom Operator/Driver Operator with 3 years regular service in the grade. They should pass the departmental test/examination before promotion.	Group 'C' D.P.C.	N. A.
4.	17	Group 'C' (Non-Ministerial, Non-Gazetted).	Rs. 950-20-1150-EB-25-1400.	Selection.	Not exceeding 35 years (relaxable for Government Servants upto 5 years in accordance with the instructions or orders issued by the Government).	No	Essential : (1) Must possess at least the following minimum physical standards:— (a) Height without boots or shoes:— 165 cms. (b) Chest (Normal) — 79 cms. (c) Chest (Expanded) — 84 cms. (d) Chest (Expansion) — 5 cms. (e) Ability to run a distance of 100 yards with a load of 50 kgs. in a minute or 100 metres run in 12 to 13 seconds and also capable of climbing a rope or a vertical pipe to a height of 8' to 10' from the ground. (2) Must be certified to possess the visual standards specified below without glasses:— (i) Distance vision Right eye 6/6 Left eye 6/6 (Snellen) (ii) Near vision 0.5 (Snellen)	Age: N. A. Qualification: N. A.	Two years.	Direct recruitment.	Not applicable.	Group 'C' D.P.C.	N. A.

(iii) Colour blindness, squint or any morbid condition of the eye or lids of either eye shall be deemed to be a disqualification.

(3) Educational qualifications:

(i) S. S. C. or equivalent qualification.

(ii) I. T. I. (Wireless) Certificate recognised by the Board.

(iii) Knowledge of Konkani.

Note:

(i) Will be required to pass the Departmental Examination on completion of the initial training of 6 months during the probationary period. In case of failure, one more chance will be given after two months. The services of the candidate failing to pass the Departmental Examination on 2nd attempt are liable for termination.

(ii) During the training period, if a candidate is found absent for more than 21 days, the competent authority may or may not allow him to continue the aforesaid training and he may be directed to attend the next training course and the proportionate cost of the said training attended shall be recovered from him in instalments.

1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
5.	130 Fire- man.	Group 'D' (Non- Ministe- rial, Non-Ga- zatted).	Rs. 950- -20-1150- -EB-25- -1400. <i>Note:</i> The present Fireman possess- ing qualifica- tion less than S. S. C. shall continue to draw pay in the scale of Rs. 825- -15-EB- -20-1200.	N. A.	Not exceeding 35 years (Re- laxable for Government servants by 5 years in accor- dance with the orders or instru- tions issued by the Govern- ment).	No	<i>Essential :</i> (1) Must possess at least the following minimum physical standards:— (a) Height without boots or shoes:— 165 cms. (b) Chest (Normal) — 79 cms. (c) Chest (Expanded) — 84 cms. (d) Chest (Expansion) — 5 cms. (e) Ability to run a dis- tance of 100 metres with a load of approxi- mately 50 kgs. in a minute or 100 metres run in 12 to 13 sec- onds and capable of climbing a rope or a vertical pipe to a height of 3 meters to 4 meters from the ground. (2) Must be certified to pos- sess the visual standards specified below without glasses:— (i) Distance vision Right eye Left eye 6/6 6/6 6/6 (Snellen) (ii) Near vision 0.5 0.5 (Snellen) (iii) Colour blindness, squint or any morbid condition of the eye or eye lids of either eye shall be deemed to be a disqualification. (3) S. S. C. or equivalent qualification; and	N. A.	Two years.	Direct re- cruitment.	Not applicable.	N. A.	N. A.

(4) Knowledge of Konkani.

Note:

- (i) Will be required to pass the Departmental Examination/test on completion of the initial training of 6 months during the probationary period. In case of failure, one more chance will be given after two months. The services of the candidate failing to pass the Departmental Examination on 2nd attempt are liable for termination.
- (ii) During the training period, if a candidate is found absent for more than 21 days, the competent authority may or may not allow him to continue the aforesaid training and that he may be directed to attend the next training course and the proportionate cost of the said training attended shall be recoverable from him in instalments.

6. Driver operator	12 (1996)	Group 'C' (Non-variation dependent on workload).	Rs. 975-25-1150-EB-30-1660.	Selection	Not exceeding 35 years (Relaxable for Government servants by 5 years in accordance with the instructions or orders issued by the Government).	No	<i>Essential :</i>	<i>Age: No Qls.:</i>	Two years.	By promotion failing which by direct recruitment.	<i>Promotion:</i>	Group 'C' D. P. C.	N. A.
							(1) Must possess at least the following minimum physical standards:—	To the extent as indicated in column (11).			Fireman with 2 years regular service in the grade and possessing a driving licence for heavy vehicles.		
							(a) Height without boots or shoes:— 165 cms.						
							(b) Chest (Normal) — 79 cms.						
							(c) Chest (Expanded) — 84 cms.						
							(d) Chest (Expansion) — 5 cms.						

1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
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(e) Ability to run a distance of 100 metres with a load of approximately 50 kgs. in one minute or 100 meters run in 12 to 13 seconds and capable of climbing a rope or a verticle pipe to a height of 3 meters to 6 meters from the ground.

(2) Must be certified to possess the visual standards specified below without glasses:—

(i) Distant vision	Right eye 6/6 (Snellen)	Left eye 6/6
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(ii) Near vision	0.5 (Snellen)	0.5
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(iii) Colour blindness, squint or any morbid condition of the eyes or the eyelids shall be deemed to be a disqualification.

(3) S. S. C. or equivalent qualification.

(4) Driving licence for heavy vehicles.

(5) Unblemished experience of at least two years in the line.

(6) Knowledge of Konkani.

Note:

(i) Will be required to pass the Departmental Examination on completion of

the initial training of 6 months during the period of probation. In case of failure, one more chance will be given after two months. The services of the candidates failing to pass the departmental examination shall be terminated forthwith.

- (ii) During the training period, if a candidate is found absent for more than 21 (twenty one) days, the competent authority may or may not allow him to continue the aforesaid training and that he may be directed to attend the next training course and the proportionate cost of the said training attended shall be recovered from him in instalments.

APPENDIX — VI

List of places and trades for which no objection certificate from the Fire Service is necessary

Serial number and purpose for which licence, permission or registration is required	Remarks
(1)	(2)
(1) Large hotels, Restaurants, Bakeries and eating houses where the rental value of the building exceeds Rs. 1,500/-.	...
(2) Fish oil-machine power	...
(3) Other oil-machine power	...
(4) Boiling camphor or oil by machine power	...
(5) Manufacture of ice	...
(6) Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.	...
(7) Ammunition	...
(8) Chlorate mixture.	...
(9) Explosive (Storing).	...
(10) Fulminate of mercury.	...
(11) Gun cotton.	...
(12) Gun powder.	...
(13) Nitro-compound.	...
(14) Nitro-glycerine.	...
(15) Nitro-mixture.	...
(16) Fire-works preparing or manufacturing or storing.	...
(17) Manufacture of crackers.	...
(18) Camphor.	...
(19) Saltpetre.	...
(20) Sulphur (including melting).	...
(21) Fire works.	...
(22) Matches.	...
(23) Flax.	...
(24) Hemp.	...
(25) Jute.	...
(26) Skins.	...

(1)	(2)
(27) Gas.	...
(28) Chemical preparations carbolic acid, Hydrochloric acid, Nitric acid, pyritic acid, Sulphuric acid, caustic potash, caustic soda, chemical fertilizers, Benzol, Bromoform, Chloroform, Iodoform, Glycerine, Acetone, Nitro, Nitrol, Perchloride or Mercury, Chloride or potash, etc., etc.	...
(29) Cigars and Cigarettes	...
(30) Beedies.	...
(31) Manufacturing articles from which offensive or unwholesome smell, fumes, dust or noise arise (Kumkums).	...
(32) Carpentry and cabinet making.	...
(33) Printing, composing binding, etc.	Where Lino type or other allied machines are used such as mono-type, wherein the process of melting and casting is involved or using above 10 horse power of motor.
(34) Storing, dumping, curing, cleansing, etc.	Where licence fee is levied Rs. 200/- and above for storage of cycle tyres and tubes above 500.
(35) Steam engines and Boilers — to construct or establish any factory workshop or work place in which it is proposed to employ steam power, water power or other mechanical power or electric power.	...
(36) Using for any industrial purpose fuel or machine power.	Exceeding 20 horse power.
(37) Baling presses	For each baling press worked by machine power.
(38) Cinema studio.	...
(39) Combustible material storage	For storing celluloid, Cellulois goods and other combustibles.
(40) Cinematographic films — Storing transporting, handling, examining, repairing and exhibiting.	...
(41) Storing ordinary Camera Roll Films and X-Ray films.	...
(42) Petroleum products - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever non-dangerous petroleum (between 76° F and 150° F).	When the quantity to be stored exceeds 1000 lbs. or 2200 kgs.

(Annexure to Bill No. 28 of 1997)

The Indian Stamp (Goa Amendment)
Bill, 1997

The Indian Stamp Act, 1899
(Central Act 2 of 1899)

Section 2 (7) *Cheque*.—“Cheque” means a bill of exchange, drawn on a specified banker and not expressed to be payable otherwise than on demand;

2 (13) *Impressed stamp*.—“Impressed stamp” includes—

- labels affixed and impressed by the proper officer, and
- stamps embossed or engraved on stamped paper;

Section 10. *Duties how to be paid*.—(1) Except as otherwise expressly provided in this Act, all duties with which any instruments are chargeable shall be paid, and such payment shall be indicated on such instruments, by means of stamps—

- according to the provisions herein contained; or,
- when no such provision is applicable thereto—as the State Government may by rule direct.

(2) The rules made under sub-section (1) may, among other matters, regulate,—

- in the case of each kind of instrument—the description of stamps which may be used;
- in the case of instruments stamped with impressed stamps—the number of stamps which may be used;
- in the case of bills of exchange or promissory notes [* * *]—the size of the paper on which they are written.

Schedule I-A 5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—

- | | |
|---|--|
| (a) if relating to the sale of Bill of exchange | Fifteen rupees. |
| (b) if relating to the sale or Government security or share in an incorporated company or other body corporate. | Subject to maximum of fifteen rupees twenty paise for every rupees 10.000 or part thereof of the value of the Security or share. |

(1)

(2)

- | | |
|-----------------------------------|------------|
| (c) if not otherwise provided for | Ten rupees |
|-----------------------------------|------------|

Exemptions

Agreement or memorandum of agreement—

- for or relating to the sale of goods or merchandise exclusively not being a NOTE OR MEMORANDUM chargeable under No. 42:
- made in the form of tenders to the Central Government for or relating to any loan:

45. PARTNERSHIP —

A. Instrument of —

- | | |
|--|-------------------------------|
| (a) where the capital of the partnership does not exceed Rs. 1,000/- | Five rupees. |
| where the capital of the partnership does not exceed Rs. 5,000/- | Fifteen rupees. |
| where the capital of the partnership does not exceed Rs. 10,000/- | Twenty five rupees. |
| where the capital of the partnership does not exceed Rs. 15,000/- | Fifty rupees. |
| where the capital of the partnership does not exceed Rs. 15,000/- | Fifty rupees. |
| where the capital of the partnership does not exceed Rs. 20,000/- | Seventy five rupees. |
| (b) in any other case. | One hundred and fifty rupees. |

B. Dissolution of *pawn or pledge*. See Agreement relating to Deposit of Title Deeds, Pawn or Pledge (No. 6).

Fifty rupees.

Assembly Hall,
Panaji.
24th July, 1997.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

LA/B/1944/1997

The following Bill which was introduced in the Legislative Assembly of Goa on 28-7-1997 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 29th August, 1997.

The Goa Buildings (Lease, Rent and Eviction) Control
(Amendment) Bill, 1997

(Bill No. 29 of 1997)

A
BILL

further to amend the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

Be it enacted by the Legislative Assembly of the State of Goa in the Forty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement*.—(1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) (Control) (Amendment) Act, 1997.

(2) It shall come into force at once.

LA/B/1944/1997

2. *Amendment to section 3.* — In section 3 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) (Control) Act, 1968 (Act 2 of 1969), in sub-section (1), for clause (cc), the following shall be substituted, namely:—

“(cc) to any building let out or leased for the first time on or after 20-4-1994, whose monthly rent exceeds —

- (a) Rs. 2500/- if such building is used for residential purpose;
- (b) Rs. 5000/- if such building is used for commercial purpose”.

Statement of Objects and Reasons

Certain difficulties are encountered in implementation of the provisions of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968, with reference to leases already entered into before the enforcement of the Amendment Act 8 of 1994. As normally the amendments are prospective in nature and applicable to tenancies that are created after the Amendment Act came into force. However, in view of certain findings of the Apex Court in the matter, it is found expedient to strike a balance between the interest of the landlord and also of the tenant and to specify a particular date with reference to tenants who enjoy the statutory protection in the matter.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
24th July, 1997.

WILFRED MISQUITA
Minister for Revenue

Assembly, Hall,
Panaji,
25th July, 1997.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 29 of 1997)

The Goa Buildings Lease, Rent and Eviction) Control
(Amendment) Bill, 1997.

.....
The Goa, Daman and Diu Buildings (Lease, Rent and Eviction)
(Control) Act, 1968
(Act 2 of 1969)
.....

Section 3 (cc) to any building whose monthly rent exceeds —

- (a) rupees two thousand and five hundred if such building is used for residential purposes;
- (b) rupees five thousand if such building is used for commercial purposes”.

Assembly Hall,
Panaji,
25th July, 1997:

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

The following Bill which was introduced by the Legislative Assembly of Goa on 28-7-97 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 29th July, 1997.

The Goa Public Premises (Eviction of Unauthorised Occupants) (Amendment) Bill, 1997

(Bill No. 30 of 1997)

A

BILL

further to amend the Goa Public Premises (Eviction of Unauthorised Occupants) Act, 1988.

Be it enacted by the Legislative Assembly of Goa in the Forty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa Public Premises (Eviction of Unauthorised Occupants) (Amendment) Act, 1997.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Public Premises (Eviction of Unauthorised Occupants) Act, 1988 (Goa Act No. 22 of 1988), in clause (e), for item (ii) of sub-clause (2), the following shall be substituted, namely:—

“(ii) any Corporation not being a company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956), owned and controlled by the Government, or a local authority established by or under the State enactment;”

Statement of Objects and Reasons

It is proposed to bring certain premises belonging to, or taken on lease by, or on behalf of a local authority within the purview of public premises as covered under the Goa Public Premises (Eviction of Unauthorised Occupants) Act, 1988 so as to enable the concerned local authority to carry out eviction of unauthorised occupant from their premises.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
24th July, 1997.

WILFRED MISQUITA
Minister for Revenue

Assembly Hall,
Panaji,
25th July, 1997.

ASHOK B. ULMAN
Secretary to the
Legislative Assembly of Goa

(Annexure to Bill No. 30 of 1997)

The Goa Public Premises (Eviction of Unauthorised Occupants) (Amendment) Bill, 1997

**The Goa Public Premises (Eviction of Unauthorised Occupants) Act, 1988
(Goa Act 22 of 1988)**

Section 2 (e) "public premises" means—

(1) any premises belonging to, or taken on lease or requisitioned by, or on behalf of the Government, and includes any premises provided as residential accommodation to any member of the staff of the Goa State Legislature;

(2) any premises belonging to or taken on lease by, on behalf of,—

(i) any Company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956), in which not less than fifty one percent of the paid-up share capital is held by the Government or any Company which is a subsidiary (within the meaning of that Act) of the first mentioned Company;

(ii) any Corporation (not being a company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956), or a local authority) established by or under the State enactment and owned and controlled by the Government;

(iii) any university established by the State of Goa;

(iv) any institute established or owned by the Government;

(v) any premises belonging to the Development Authorities/Board established under the State enactment.

Assembly Hall,
Panaji,
25th July, 1997.

ASHOK B. ULMAN
Secretary to the
Legislative Assembly of Goa

LA/B/1944/1997

The following Bill which was introduced in the Legislative Assembly of Goa on 28-7-97 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 29th July, 1997.

**The Goa Salaries and Allowances of Ministers
(Amendment) Bill, 1997**

(Bill No. 31 of 1997)

A
BILL

further to amend the Goa Salaries and Allowances of Ministers Act, 1964.

Be it enacted by the Legislative Assembly of Goa in the Forty-eight Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Salaries and Allowances of Ministers (Amendment) Act, 1997.

(2) It shall come into force at once.

2. *Amendment of section 3.* — For section 3 of the Goa Salaries and Allowances of Ministers Act, 1964 (Act 3 of 1965) (hereinafter referred to as the 'principal Act'), the following shall be substituted, namely:—

"3 *Salary and Sumptuary Allowance.*— (1) There shall be paid to each Minister a monthly salary as laid down below, namely:—

1. Chief Minister	— Rs. 3,000/-
2. Dy. Chief Minister	— Rs. 2,800/-
3. Minister	— Rs. 2,800/-
4. Minister of State	— Rs. 2,000/-

(2) Every Minister shall also be entitled to a monthly Sumptuary allowance as laid down below, namely:—

1.. Chief Minister	— Rs. 4,500/-
2. Dy. Chief Minister	— Rs. 4,200/-
3. Minister	— Rs. 4,200/-
4. Minister of State	— Rs. 4,000/-

3. *Amendment of section 4.*— In section 4 of the principal Act, for the expression "two thousand and five hundred rupees", the expression "five thousand rupees per month for Chief Minister and four thousand five hundred rupees for Deputy Chief Minister, Minister and Minister of State" shall be substituted.

4. *Amendment of section 5.*— In section 5 of the principal Act,—

(i) in heading, for the expression "Conveyance allowance with and without motor car amenities", the expression "Motor car amenities" shall be substituted.

(ii) for sub-section (1) the following shall be substituted, namely:—

"(1) Each Minister shall be entitled to the free use of motor car and the services of chauffeur".

(iii) in sub-section (2), for the word "sixty", the words "four hundred" shall be substituted;

(iv) in sub-section (3), the first paragraph shall be omitted.

Statement of Objects and Reasons

Due to increase in cost of living, it is proposed to enhance the salaries and allowances of Ministers. Accordingly sections 3, 4 and 5 of the Goa Salaries and Allowances of Ministers Act, 1964 are sought to be amended to provide for the monthly salary and allowances.

Financial Memorandum

Additional financial liability on account of the proposals will be to the tune of Rs. 18.63 lakhs approximately.

Panaji,
28th July, 1997.

PRATAP SINGH RANE
Chief Minister

Assembly Hall,
Panaji,
28th July, 1997.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 31 of 1997)

The Goa Salary and Allowances of Ministers (Amendment)
Bill, 1997

The Goa Salaries and Allowances of Ministers Act, 1964
(Act 3 of 1965)

Section 3. *Salary and Sumptuary Allowance.*—(1) There shall be paid to each Minister a monthly salary as laid down below, namely—

- | | |
|----------------------|---------------|
| 1. Chief Minister | — Rs. 2,000/- |
| 2. Minister | — Rs. 1,900/- |
| 3. Minister of State | — Rs. 1,700/- |
| 4. Deputy Minister | — Rs. 1,500/- |

(2) Every Minister shall also be entitled to a monthly sumptuary allowance as laid down below namely:—

- | | |
|--|-------------------------|
| 1. Chief Minister | — Rs. 3,000/- per month |
| 1. A Dy. Chief Minister | — Rs. 2,900/- per month |
| 2. Minister | — Rs. 2,500/- per month |
| 3. Ministers of State
Deputy Minister | — Rs. 2,000/- per month |

Section 4. *Residence of Ministers.*— Each Minister shall be entitled, without any payment, to the use and maintenance of a furnished residence throughout his term of office and for a period of fifteen days immediately thereafter, and so long as such residence is not provided, to a compensatory allowance of two thousand and five hundred rupees per month.

Explanation.— For the purpose of this Section,—

- (i) 'residence' includes the staff quarters and other buildings appurtenant and the garden thereof but does not include such portion of the residence or buildings appurtenant thereto as exclusively set apart for use as office at the residence & is used as such;
- “(ii) “maintenance” in relation to a residence includes payment of local rates and taxes and provision of electricity and water, which shall be paid by the Government.”

Section 5. *Conveyance allowance with and without motor car amenities.*— (1) Each Minister shall at his option be entitled to the free use of motor car and the services of a chauffeur. The cost of the maintenance of the car shall be borne by the Minister.

Explanation.— “Maintenance” shall include the cost of petrol and oil and servicing and repairs below twenty-five rupees, but shall not include expenditure on insurance, fees for registration, taxes or repairs of twenty-five rupees or above.

(2) A Minister availing of the motor car amenities provided under sub-section (1) shall be entitled to petrol for the car upto a maximum of sixty litres per month the cost of which shall be borne by the Government.

(3) A Minister who instead of availing of the motor car amenities provided under sub-section (1) uses his own motor car shall be paid a conveyance allowance of three hundred and fifty rupees per month.

Minister may use the motor car for private use upto a limit of 500 Kms. per month subject to the payment of Rs. 100/- per month.

Assembly Hall,
Panaji,
28th July, 1997.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

The following Bill which was introduced in the Legislative Assembly of Goa on 28-7-97 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 29th July, 1997.

The Goa Municipalities (Second
Amendment) Bill, 1997

(Bill No. 27 of 1997)

A

BILL

further to amend the Goa Municipalities Act, 1968.

Be it enacted by the Legislative Assembly of Goa in the Forty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Municipalities (Second Amendment) Act, 1997.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Goa Municipalities Act, 1968 (Act No. 7 of 1969) (hereinafter referred to as 'principal Act'),—

(i) in clause (9), the words "or co-opted or nominated" shall be omitted;

(ii) after clause (51a), the following clause shall be inserted, namely:—

"(51b) 'Election Commission' means the Election Commission constituted under the section 237 of the Goa Panchayat Raj Act, 1994. (Goa Act 14 of 1994);".

3. *Amendment of section 9.* — In section 9 of the principal Act, —

(i) for sub-section (1), the following shall be substituted, namely:—

“(1) Save as otherwise provided by this Act, every Council shall consist of Councillors elected at ward elections;”.

(ii) sub-section (5) shall be omitted;

(iii) after sub-section (5) as omitted, the figures, brackets and expressions shall be omitted.

4. *Insertion of new section.* — After section 9 of the principal Act, the following shall be inserted, namely:—

“9A. (1) Notwithstanding anything contained in the Act, the Member of the Legislative Assembly of Goa representing the Constituency which comprises wholly or partly by municipal area, and any one Ex-Councillor as to be nominated by the Council with prior approval of the Government, shall have right to associate at the meeting of the concerned Municipal Council and take part in the proceedings of the Council but shall have no right to vote.

(2) For every meeting of a Council, a notice of meeting specifying the date, hour and place at which such meeting is to be held and the business to be transacted thereat shall be served upon the concerned Member of Legislative Assembly of the State of Goa as well as on the Ex-Councillor, if any associated with the Council.”.

5. *Amendment of section 16.* — In section 16 of the principal Act, —

(i) in sub-section (1), —

(a) for the figure and expression “, whether by election, co-option or nomination,” the expression “by election” shall be substituted;

(b) in clause (c), after the figure “45”, the figures “46” shall be inserted.

(ii) in sub-section (2), in clause (f), for the word “Collector”, the word “Director” shall be substituted.

6. *Omission of section 21.* — Section 21 of the principal Act shall be omitted.

7. *Amendment of section 22.* — In section 22 of the principal Act, —

(i) in the heading, the figure and words “, co-option or nomination” shall be deleted;

(ii) in sub-section (1), the words “or co-option” shall be deleted;

(iii) in sub-section (2), in clause (b), the words “or co-option” shall be deleted;

(iv) in sub-section (3), clause (c) shall be deleted;

(v) in sub-section (4), clause (d) shall be deleted.

8. *Amendment of section 42.* — In section 42 of the principal Act, the sub-section (5) shall be deleted.

9. *Amendment of section 46.* — In section 46 of the principal Act, —

(i) in sub-section (1), in clause (d), the words “months from the” shall be omitted;

(ii) in sub-section (2), the figures and words “, whether elected or co-opted,” shall be omitted;

(iii) in the explanation, the words “or co-opted” and “or co-option” wherever they occur, shall be omitted.

10. *Amendment of section 50.* — In sub-section (1) of section 50 of the principal Act, —

(i) the words “or co-opted” wherever they occur, shall be deleted;

(ii) the words “or co-option” wherever they occur, shall be deleted.

11. *Amendment of section 51.* — In section 51 of the principal Act, —

(i) in sub-section (1), for the words “the municipal Government of a municipal area”, the words “the administration of a municipal area” shall be substituted;

(ii) in sub-section (2), in clause (o), for the word “Collector”, the word “Director” shall be substituted;

(iii) in sub-section (3), for clause (u), the following shall be substituted, namely:—

“(u) any public reception, ceremony, fair, entertainment or exhibition held in the municipal area, within the amount as may be determined by Director from time to time.”.

12. *Amendment of section 52.* — In section 52 of the principal Act, —

(i) sub-sections (6) and (7) shall be deleted;

(ii) in sub-section (8), —

(a) in clause (a), for the figure and word “; and”, the figure “.” shall be substituted;

(b) clause (b) shall be deleted.

(iii) after sub-section (8), the following shall be inserted, namely:—

“(9) Notwithstanding anything contained in this Act, a person who has been rendered disqualified under section 61A of the Act to be Chairperson or Vice-Chairperson, he shall not be qualified to be elected as Chairperson or Vice-Chairperson of the concerned municipal Council for a period of five years from the date of such disqualification.”.

13. *Amendment of section 56.*— In section 56 of the principal Act, —

(i) in sub-section (1), brackets and expression “(excluding the co-opted Councillors)” shall be deleted.

(ii) in sub-section (2),—

(a) for words “one-fourth”, the words “one third” shall be substituted;

(b) brackets and expressions, “(excluding the co-opted Councillors)” shall be deleted;

(iii) in sub-section (4), the paragraph below clause (b) shall be deleted.

14. *Insertion of new section.*— After section 61 of the principal Act, the following shall be inserted, namely:—

“61A. *Disqualification of Chairperson and Vice-Chairperson.*— (1) The Chairperson or the Vice-Chairperson, while holding the office, shall stand disqualified, if—

(a) he persistently fails to discharge his duties conferred under the Act; or

(b) he commits illegality or acts in a manner highly prejudicial to the interest of the Council; or exercises any powers not vested in him either under the Act or by any order of the Government;

(c) he is employed in any corporation, whether statutory or otherwise, owned or controlled or financed in part or fully by the Central Government, the Government or any State Government; or

(d) he has so abused his position in the opinion of the Director as to render his continuation as Chairperson or Vice-Chairperson is detrimental to the interest of the Council or has been guilty of misconduct in neglect of his duties or otherwise unfit to hold his office.

(2) In every case of disqualification of the Chairperson or the Vice-Chairperson, the authority to decide the matter shall be the Director. The Director, on the application of any person made to him, or on his own motion, shall decide if any disqualification is incurred by the Chairperson or the Vice-Chairperson and such decision shall be communicated to the Chairperson or the Vice-Chairperson concerned.

(3) Any person aggrieved by the decision of the Director, may within a period of fifteen days from the date of receipt of the decision of the Director, appeal to the Administrative Tribunal and the order passed by the Administrative Tribunal shall be final:

Provided that no order shall be passed under sub-section (2) by the Director or under sub-section (3) by the Administrative Tribunal in appeal against the Chairperson or the Vice-Chairperson without giving him a reasonable opportunity of being heard.”

15. *Amendment of section 63.*— In section 63 of the principal Act,—

(i) in sub-section (1), and any other sub-sections, for the word “appoint” wherever they occur, the word “constitute” shall be substituted, respectively;

(ii) in sub-section (4), for clause (b), the following shall be substituted, namely:—

“(b) determining the subject Committee or Committees, if any, to be constituted and the number of members of each such committee;”;

(iii) in sub-section (5), the figures and the expression “, other than that of which the Vice-Chairperson is to be the Ex-Officio Chairman,” shall be omitted.

16. *Amendment of section 64.*— In section 64 of the principal Act, in sub-section (1), for clause (b), the following shall be substituted, namely:—

“(b) the Vice-Chairperson.”

17. *Omission of section 65.*— Section 65 of the principal Act shall be omitted.

18. *Amendment of section 66.*— For section 66 of the principal Act, the following shall be substituted, namely:—

“66. *Term of office of Chairman and members of Standing and Subjects Committees.*— (1) The term of office of Chairman and the members of the Standing Committee and a Subject Committee shall be co-terminus with the term of the Chairperson during whose period they are elected.

(2) In the event of any office of the Standing Committee or Subjects Committee becoming vacant, the powers exercisable by such Committees shall be exercised by the Chief Officer with the approval of the Director, till the concerned committees are duly elected.”

19. *Amendment of section 67.*— For section 67 of the principal Act, the following shall be substituted, namely:—

“67. *Vacancies in the Committees of the Council.*— (1) If there is any vacancy in the office of the member of the Committee due to any reason whatsoever, such vacancies shall be filled up in the manner as laid down under section 63 of the Act and the members so elected shall hold the term in whose place is to be filled up.

(2) A vacancy occurring in the office of the Chairman of any Subjects Committee shall be filled up after filling up all vacancies in the Committee by holding the meeting by the Chairperson of the Council.

(3) All members including Chairman of the Standing Committee and the Subjects Committee who are holding such office at the commencement of the Goa Municipalities (Second Amendment) Act, 1997, shall continue to hold office till their term is over or till such date as may be notified by the Government in the Official Gazette, whichever is earlier.

(4) In case the office of the members or Chairman of the Standing Committee remains vacant after being notified by the Government under sub-section (3), the Chairperson shall hold election to such Committee in terms of sub-section (4) of section 63 of the Act."

20. *Amendment of section 71.*— In section 71 of the principal Act,—

(i) above the heading, in the title of the Chapter IV, for the expression "Director of Municipal Administration and Collector" the expression "Director of Urban Development" shall be substituted.

(ii) in sub-section (1),—

(a) for the heading "*Appointment of Director of Municipal Administration and his powers and the powers of the Collector*", the heading "*Appointment of Director of Urban Development and his powers*" shall be substituted.

(b) for the words "appoint a Director of Municipal Administration", the words "appoint a Director of Urban Development" shall be substituted.

(iii) in sub-section (3), for the words "Additional Director of Municipal Administration", the words "Additional Director of Urban Development" shall be substituted.

21. *Amendment of section 75.*— In section 75 of the principal Act, for the expression "other than Chief Officer, shall be such as the Standing Committee", the expression "shall be such, as the Chief Officer" shall be substituted.

22. *Amendment of section 78.*— In section 78 of the principal Act,—

(i) in sub-section (2), for the words "not less than one fourth", the words "not less than one third" shall be substituted.

(ii) in sub-section (7), in clause (b),—

(a) in item (i), for the expression "and any Councillor so ordered", the expressions "and any Councillor or the Member of Legislative Assembly of Goa or Ex-Councillor associated with the Council so ordered" shall be substituted;

(b) in item (ii), for the words "if any Councillor", the words "if any Councillor or the Member of Legislative Assembly of Goa or Ex-Councillor associated with the Council" shall be substituted.

23. *Amendment of section 89.*— In section 89 of the principal Act,—

(i) in sub-section (2), in clause (c), for the expression "No contract which will involve an expenditure exceeding Rs. 1500, Rs. 1000 and Rs. 500," the expression "No contract which involve such amount of expenditure as notified by the Government from time to time" shall be substituted.

(ii) in sub-section (3), in proviso, in item (b), for expression "exceeding five hundred rupees", the expression "exceeding such amount as may be notified by the Government from time to time" shall be substituted.

(iii) in sub-section (6), for the expression "an expenditure exceeding one thousand rupees", the expression "an expenditure exceeding the amount as notified by the Government from time to time" shall be substituted.

(iv) in sub-section (8), for the word "Collector", the word "Director" shall be substituted.

24. *Amendment of section 293.*— In section 293 of the principal Act,—

(i) in sub-section (1), for the expression "If, in the opinion of the Director," the expression "If on the receipt of an application of any person or on his own motion, the Director is of opinion that" shall be substituted.

(ii) for sub-sections (2), (3) and (4), the following shall be substituted, namely:—

"(2) Any person aggrieved by the abovesaid order of the Director, may within a period of fifteen days from the date of receipt of the order of the Director by him, appeal to the Administrative Tribunal and the order passed by the Administrative Tribunal shall be final:

Provided that no order shall be passed under sub-section (1) by the Director or under sub-section (2) by Administrative Tribunal in appeal against any person without giving him a reasonable opportunity of being heard."

Statement of Objects and Reasons

It is proposed to amend clause (9) of section 2 of the Goa Municipalities Act, 1968 (Act 7 of 1969) by omitting the words "or co-opted or nominated" appearing therein so as to be done away with co-optation and nomination of Councillors. A new clause (51b) is also proposed to be inserted in said section so as to define the term "Election Commission". Section 9 of the Act, 1968 is also proposed to be amended as the provision for co-opted Councillors is proposed to be done away with.

A new section 9A is proposed to be inserted in the Act, 1968 so as to give representation to the local MLAs and Ex-Councillor and allow them to associate with the meetings without any voting rights.

Section 16 of the Act, 1968 is proposed to be amended in view of the fact that the provision relating to co-opted Councillors is to be done away with so also to provide that Councillors disqualified under section 46 are debarred from contesting election for 5 years.

Section 21 of the Act, 1968 is proposed to be deleted as provision relating to co-opted Councillors is being done away with so also amendments to sections 22, 42, 50 and 52 are consequential

in nature. Section 46 of the Act is proposed to be amended so as to provide for disqualifying a Councillor if he is absent for four successive meetings of the Council.

Sub-section (1) of section 51 of the Act, 1968 is proposed to be amended so as to remove the ambiguity on account of the word "Government" appearing therein. Also sub-sections (2) and (3) (u) thereof are proposed to be amended so as to empower the Director in place of the Collector, so also to remove the limits of expenditure involved in public reception. These limits can now be fixed by the Director from time to time.

A new sub-section (9) is proposed to be inserted in section 52 of the Act, 1968 so that the disqualified Chairperson or Vice-Chairperson shall not be eligible for both posts for a period of five years. It is proposed to amend sub-section (2) of section 56 of the Act, 1968 so as to raise the limit of number of Councillors from one-fourth to one-third for purpose of no confidence motion.

A new section 61A is proposed to be inserted in the Act, 1968 so as to provide for removal of the Chairperson or the Vice-Chairperson under certain circumstances. It is also proposed to amend sections 63, 64, 66 and 67 of the Act, 1968 so as to make the Standing Committee members independent of Subject Committee Chairmen. It also seeks to make the term of Standing Committee and Subject Committee co-terminus with the tenure of the Chairperson during whose period they are elected. Proposed amendment to section 65 of the Act aims to abolish the Special Committees which are not doing any substantive work. It is proposed to amend section 71 of the Act, 1968 so as to change the designation of the Director of Municipal Administration to that of the Director of Urban Development so as to bring it in conformity with section 2 (11). Similarly, the designation of Additional Director of Municipal Administration is proposed to be changed to Additional Director of Urban Development. It is proposed to amend section 75 of the Act so as to empower the Chief Officer, who is an administrative head of the Council, to allot the work to other officials. It is also proposed to amend section 78 of Act, 1968 so as to raise the limit of convening Special Meeting from one-fourth to one-third of the total number of Councillors so also to provide for the conduct of the Council meeting to cope up with the situation where MLAs and Ex-Councillors are attending the Council meeting. It is proposed to amend section 89 of the Act, 1968 so as to remove the financial limits and empower the Government to fix it periodically.

Section 293 of the Act, 1968 deals with suspension of unlawful resolutions, etc. of the Council by the Director. By the proposed amendment to section 293, the Administrative Tribunal shall be the appellate authority and decide the matter if there is an appeal only by any aggrieved party. Thus, the decision will not linger for long time.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Proposed clause (u) of sub-section (3) of section 51 of the Act empowers the Director to determine the amount to be spent for any public reception, ceremony, fair, etc. Proposed sub-section (3) of section 67 of the Act empowers the Government to notify the date upto which all members including Chairman of the Standing Committee and the Subject Committee who are holding such office at the commencement of the Goa Municipalities (Second Amendment) Act, 1997, shall continue to hold office. Proposed clause (c) of sub-section (2) of section 89 of the Act empowers the Government to notify from time to time the amount of expenditure which may be made in respect of contracts. Similarly, item (b) of proviso to sub-section (3) of said section 89 empowers the Government to notify from time to time the amount in respect of contract for the execution of any work or for the supply of any materials or goods. Also, sub-section (6) of said section 89 empowers the Government to notify from time to time, the amount for the purpose of execution of contract by the Chief Officer.

These delegations are of normal character.

Panaji,
22nd July, 1997.

DAYANAND G. NARVENKAR
Minister for
Urban Development

Assembly Hall,
Panaji,
24th July, 1997.

ASHOK B. ULMAN
Secretary to the
Legislative Assembly of Goa

(Annexure to Bill No. 27 of 1997)

The Goa Municipalities (Second Amendment) Bill, 1997

The Goa, Daman and Diu Municipalities Act, 1968

(Act No. 16 of 1968)

Section 2 (9) "Councillor" means a person who is duly elected or co-opted or nominated as a member of the Council;

(51a) "State" means the State of Goa.

Section 9 (1) Save as otherwise provided by this Act, every Council shall consist of Councillors elected at ward elections; and shall also include Councillors co-opted by the elected Councillors in the prescribed manner, from amongst persons who are entitled to vote at the municipal election and who,—

(i) have special knowledge experience in municipal administration;

(ii) are members of the House of the People and the members of the Legislative Assembly of Goa representing the constituencies which comprise wholly or partly the municipal area concerned;

(iii) are members of the Council of States and are registered as electors within the municipal area;

Provided that the persons referred to in clause (i) shall not have the right to vote in the meetings of the Council:

Provided further that—

(i) in every Council, not less than one third seats shall be reserved for women;

(ii) in every Council, seats shall also be reserved for the Scheduled Castes and the Scheduled Tribes and for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes as provided in sub-section (2);

(iii) the total number of co-opted Councillors shall not exceed ten percent of the number of elected Councillors fixed under sub-section (2), and in determining such number, a fraction shall be ignored;

(iii) the total number of co-opted Councillors shall not exceed ten per cent, of the number of elected Councillors fixed under sub-section (2), and in determining such number a fraction shall be ignored.

(2) The Director shall from time to time by an order published in the Official Gazette fix for each municipal area—

(a) the number of elected Councillors in accordance with the following table:

Class of Municipal area	Number of elected Councillors
(i) 'A' Class	The minimum number of elected Councillors shall be 15 and for every 5,000 of the population above 50,000 there shall be one additional elected Councillors, so, however, that the total number of elected Councillors shall not exceed 20;
(ii) 'B' Class	The minimum number of elected Councillors shall be 10 and for every 5,000 of the population above 15,000 there shall be one additional elected Councillor so, however, that the total number of elected Councillors shall not exceed 15;
(iii) 'C' Class	The number of elected Councillors shall be 10.

(b) the number of seats, if any, to be reserved for the Scheduled Castes or the Scheduled Tribes so that such number shall bear, as nearly as may be, the same proportion to the number of elected Councillors as the population of the Scheduled Castes or of the Scheduled Tribes in the municipal area bears to the total population of that area and not less than one third of such seats shall be reserved for women and such seats shall be allotted by rotation to different Constituencies in a Municipal area.

(3) The reservation of seats for Scheduled Castes and Scheduled Tribes made by an order under sub-section (2) shall cease to have effect when the reservation of seats for those Castes and Tribes in the House of the People ceases to have effect under the Constitution of India:

Provided that nothing in this sub-section shall render any person elected to any such reserved seat ineligible to continue as a Councillor during the term of office for which he was duly elected by reason only of the fact that the reservation of seats has so ceased to have effect.

(4) Every order under sub-section (2) shall take effect for the purposes of the next general election of the Council immediately following after the date of the order:

(5) Notwithstanding anything contained in sub-section (2), for the first general elections to be held after this Act comes into force, the

number of Councillors for each of the Councils of Panaji, Margao and Marmagoa shall be 15, and for each of the Councils of Mapusa and Daman shall be 13.

16. *Disqualifications for becoming a Councillor.*— (1) No person shall be qualified to become a Councillor, whether by election, co-option or nomination, who—

(a) has been convicted by a court in India, or by a court in Goa, Daman and Diu before the 20th day of December, 1961, of any offence and sentenced to imprisonment for not less than two years, unless a period of five years has elapsed since his release; or

(b) has been removed from office under section 44 and five years have not elapsed from the date of such removal;

(c) has been disqualified under section 45 or under sub-sections (4) and (6) of section 46 and five years have not elapsed from the date of such disqualification; or

(d) has been disqualified under sub-section (11) or (12) of section 22 and the period for which he has been disqualified has not elapsed from the date of such disqualification; or

(e) is an undischarged insolvent; or

(f) is of unsound mind and stands so declared by a competent Court; or

(g) has voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance or adherence to a foreign State; or

(h) is a Judge; or

(i) is a subordinate officer or servant of the Government or any local authority or holds an office of profit under the Government or any local authority; or

(j) is in arrears (otherwise than as a trustee) of any sum due by him to the Council after the presentation of a bill thereof to him under section 145; or

(k) save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of the Council or in any contract with or under or by or on behalf of the Council; or

(l) save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any transaction of loan of money advanced to or borrowed from, any officer or servant of the Council.

(2) A person shall not be deemed to have incurred disqualification under clause (k) of sub-section (1) by reason only of his —

(a) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same; or

(b) having a share or interest in any company or co-operative society which contracts with or be employed by or on behalf of the Council; or

(c) having a share or interest in any news-paper in which any advertisement relating to the affairs of the Council may be inserted; or

(d) holding debentures or being otherwise interested in any loan raised by or on behalf of the Council; or

(c) having a share or interest in the occasional sale to the Council of any article in which he regularly trades, or in the purchase from the Council of any article, of a value in either case not exceeding in any official year two thousand rupees, or such higher amount not exceeding ten thousand rupees as the Council with the sanction of the Government may fix in this behalf; or

(f) having share or interest in the occasional letting out on hire to the Council or in the hiring from the Council of any article for an amount not exceeding in any official year two hundred rupees, or such higher amount not exceeding one thousand rupees as the Council with the sanction of the Collector may fix in this behalf; or

21. *Publication of names of co-opted and nominated Councillors in the Official Gazette.*—(1) The names of co-opted Councillors shall also be published by the Collector in the Official Gazette soon after their names are communicated to him by the President.

(2) The names of nominated Councillors (if any) shall be published in the Official Gazette by the Government.

(4) Disputes in respect of election, co-option or nomination of Councillors.

22. *Disputes in respect of election, co-option or nomination of Councillors.*—(1) No election, or co-option of a Councillor may be called in question, except by a petition presented to the District Court by a candidate at the election or by any person entitled to vote at the election, within ten days after the publication of the names of the Councillors in the Official Gazette under section 20 or section 21, at the case may be.

(2) Any such petition —

(a) shall contain a concise statement of the material facts on which the petitioner relies,

(b) shall, with sufficient particulars, set forth the ground or grounds on which the election, or co-option is called in question, and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 for the verification of pleadings.

(3) A petitioner may claim all or any one of the following declarations, namely:—

(a) that the election of all or any of the returned candidates is void; or

(b) that the election of all or any of the returned candidates is void and that he himself or any other candidate has been duly elected; or

(c) that the co-option or nomination of all or any of the co-opted or nominated Councillors is void.

(4) A petitioner shall join as respondents to his petition—

(a) where the petitioner claims a declaration under clause (a) of sub-section (3), the returned candidate or candidates in respect of whom such declaration is claimed;

(b) where the petitioner claims a declaration under clause (b) of sub-section (3), all the contesting candidates other than the petitioner;

(c) any other candidate against whom allegations of any corrupt or illegal practice are made in the petition;

(d) where the petitioner claims a declaration under clause (c) of sub-section (3), all or any of the co-opted or nominated Councillors in respect of whom such declaration is claimed and the Council who co-opted the Councillor or the Government who nominated the Councillor, as the case may be.

42. *Term of office of Councillors.*—(1) Save as otherwise provided by this Act, Councillors, elected at a general election, shall hold office for a term of five years, which may be extended by the Government in exceptional circumstances by notification in the Official Gazette, to a term not exceeding in the aggregate six years for reasons which shall be stated in such notification.

(2) The term of office of such Councillors shall be deemed to commence on the date of the meeting after the general election held to elect the President and the Vice-President under section 52.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the term of office of the outgoing Councillors shall be deemed to extend to and expire with the day immediately preceding the date of such meeting.

(4) A Councillor elected at a bye-election shall hold office so long only as the Councillor in whose place he is elected would have held it if the vacancy had not occurred.

(5) The term of office of a co-opted Councillor shall commence with effect from the date on which his name is published in the Official Gazette and it shall be co-terminous with the term of the elected Councillors.

(6) The term of office of a nominated Councillor, if nominated prior to the date on which the meeting referred to in sub-section (2) is held, shall commence from the date of such meeting. If a Councillor is nominated after such meeting is held, his term shall commence from the date on which his nomination is published in the Official Gazette. His term shall be co-extensive in either case with the term of the elected Councillors.

(7) The term of office of a Councillor elected at a general election whose result is published in the Official Gazette under sub-section (1) of section 20, after the first publication of the results thereunder, shall commence with effect from the date on which his name is published in the Official Gazette, but shall be co-terminous with the term of the elected Councillors whose results are published as aforesaid.

46. *Disqualification of Councillor during his term of office.*—(1) A Councillor shall be disqualified to hold office as such, if at any time during his term of office, he—

(a) is or becomes subject to any of the disqualification specified in section 16 except the disqualification specified in clause (j) of sub-section (1) of that section; or

(b) as a Councillor or as a member of any committee of the Council votes in favour of any matter in which he has directly or indirectly by himself or his partner any such share or interest as is described in clauses (a), (b), (c), (e), and (g) or sub-section (2) of section 16, whatever may be the value of such share or interest or in which he is professionally interested on behalf of a client, principal or other person; or

(c) is professionally interested or engaged in any case for or against the Council; or

(d) absents himself during four successive months from the meeting of the Council, except with the leave of absence granted by the Council by a resolution on his written application for such leave;

and he shall be disabled subject to the provisions of sub-section (3) from continuing to be a Councillor and his office shall become vacant:

Provided that —

(i) a Councillor shall not be disqualified under clause (c) if he is engaged for the Council without receiving any remuneration therefor or appears and conducts his own case in a court of law or before any authority under this Act against the Council irrespective of whether such a Councillor is a legal practitioner by profession or not;

(ii) for the purpose of clause (d), when the Councillor applies for leave, such leave shall be deemed to have been granted unless it is refused within a period of sixty days the date of his application.

(2) When a councillor, whether elected or co-opted incurs any of the disqualifications in sub-section (1), it shall be the duty of the Chief Officer to submit a report to the Director within one month of his becoming aware of the disqualification through any source whatsoever.

(3) In every case the authority to decide whether a vacancy has arisen shall be the Director. The Director may give his decision on receipt of the report of the Chief Officer under sub-section (2) or on his own motion or on an application made to him by a voter and such decision shall be communicated to the Councillor concerned, the Chief Officer and the applicant, if any. Until the Director decides that a vacancy has arisen and such decision is communicated as provided above, the Councillor shall not be deemed to have ceased to hold Office.

(4) any person aggrieved by the decision of the Director may within a period of fifteen days from the date of receipt of the decision of the Director by him, appeal to the Administrative Tribunal and the orders passed by the Administrative Tribunal shall be final:

Provided that no order shall be passed under sub-section (3) by the Director or under sub-section (4) by the Administrative Tribunal in appeal, against any Councillor without giving him a reasonable opportunity of being heard.

Explanation.— If any elected or co-opted Councillor were subject to any disqualification specified in section 16, at the time of his election or co-option as the case may be, and continues to be so disqualified, the disqualification shall, for the purposes of this section, be deemed to have been incurred during the term for which he is elected, or co-opted.

50. *Casual vacancies how to be filled up.*— (1) where a vacancy occurs through the non-acceptance of office by any elected, or co-opted Councillor or such person being disqualified for becoming or continuing to be a Councillor or any election being set aside under the provisions of section 22 or the death, resignation, removal or disability of a Councillor previous to the expiry of his term of office, the vacancy shall be filled by a bye-election or co-option or nomination according as the Councillor was elected or co-opted or nominated:

Provided that no bye-election shall be held or co-option made to fill up a vacancy occurring within four months prior to the date on which the term of office of the Councillor of the Council expires.

(2) The Chief Officer shall report to the Director every vacancy in the office of a Councillor within fifteen days of the occurrence of the

vacancy or within fifteen days of his becoming aware of the vacancy, whichever is later.

51. *Duties and functions of the Council.*— (1) Except as otherwise provided in this Act, the municipal Government of a municipal area shall vest in the Council.

(2) In addition to the duties imposed upon it by or under this Act or any other law for the time being in force, unless the Government otherwise directs it shall be the duty of every Council to undertake and to make reasonable provision for the following matters within the limits of the municipal area, and when effective measures cannot otherwise be made then even outside the said limits, namely:—

(a) lighting public streets, places and buildings;

(b) watering public streets and places;

(c) cleansing public streets, places and sewers, and all spaces, not being private property, which are one to the enjoyment of the public, whether such spaces are vested in the Council or not; removing noxious vegetation; and abating all public nuisances;

(d) extinguishing fires, and protecting life and property when fires occur;

(e) regulating or abating offensive or dangerous trades or practices;

(f) removing obstructions and projections in public street or places and in spaces, not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Council or in Government;

(g) securing or removing dangerous buildings or places and reclaiming unhealthy localities;

(h) acquiring and maintaining, changing, and regulating places for the disposal of the dead;

(i) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams and the like;

(j) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost;

(k) naming street and numbering of premises;

(l) public vaccination;

(m) suitable accommodation for any calves, cows or buffaloes required within the municipal area for the supply of animal lymph;

(n) printing such annual report on the municipal administration of the municipal area as the Government by general or special order requires the Council to submit;

(o) erecting substantial boundary marks of such description and in such position as shall be approved by the Collector, defining the limits or any alteration in the limits of the municipal.

(p) disposing of night-soil and rubbish and if so required by the Government, preparation of compost manure from such night-soil and rubbish;

(q) providing special medical aid and accommodation for the sick in time of dangerous or communicable disease and taking such measures as may be required to prevent the outbreak or to suppress and prevent the recurrence of such disease;

(r) giving relief and establishing and maintaining relief works in time of scarcity or for destitute persons within the limits of the municipal area;

(s) imposing compulsory taxes which are specified in section 101;

(t) establishing and maintaining public dispensaries, and providing public medical relief and organising Family Planning Centres;

(u) establishing and maintaining primary schools.

(3) A Council may at its discretion, provide, either wholly or partly, out of the municipal property and funds for —

(a) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, and the land required for the construction of buildings or curtilages thereof to about on such streets;

(b) establishing or maintaining public hospitals, institutions for pre-primary and secondary education, libraries, museums, lunatic asylums, gymnasiums, akhadas, and homes for disabled and destitute persons, and constructing and maintaining buildings therefor, along with such other public buildings like town halls municipal offices, shops, dharmashalas, open air theatres, stadia and rest houses;

(c) laying out or maintaining public parks and gardens and also planting and maintaining road-side and other trees;

(d) providing music for the people;

(e) taking a census, and granting reward for information which may tend to secure the correct registration of vital statistics;

(f) making a survey;

(g) paying the salaries and allowances, rent and other charges incidental to the maintenance of the Court of any stipendiary or honorary Magistrate; or any portion of any such charge;

(h) arranging for the destruction or the detention and preservation of dogs which may be destroyed or detained under section 278 this Act or under any law for the time being in force in the Union territory;

(i) securing or assisting to secure suitable places for the carrying on of the offensive trade specified in section 265;

(i) supplying constructing and maintaining in accordance with a general system approved by the Director of Public Health, receptacles fittings, pipes and other appliances whatsoever on or for the use of private premises, for receiving and conducting the sewage thereof in sewers under the control of the Council;

(k) the acquisition and maintenance of grading grounds; and the establishment and maintenance of dairy farms and breeding stud;

(l) establishing and maintaining a farm factory for the disposal of sewage;

(m) promoting the well-being of municipal employees or any class of municipal employees and of their dependants;

(n) providing accommodation for servant employed by the Council;

(o) the construction of sanitary dwellings for the poor classes;

(p) the purchase, organisation, maintenance, extension and management of mechanically propelled transport facilities for the conveyance of the public;

(q) the construction, maintenance, repairs, purchase of any works for the supply of electrical energy or gas;

(r) making contributions towards the construction establishment or maintenance of educational institutions including libraries and museums, any hospital, dispensary or similar institution providing for public medical relief, or any other institution of a charitable nature;

(s) giving grants or donations to privately run primary or secondary schools or hostels for students;

(t) the setting up of dairies or farms for the supply, distribution and processing of milk or milk products for the benefit of the inhabitants of the municipal area;

(u) any public reception, ceremony, fair, entertainment or exhibition within the municipal area, if the expenses in each do not exceed Rs. 200, Rs. 150, and Rs. 100 in the case of 'A' Class, 'B' Class and 'C' Class Councils, respectively, and the total expenditure during the year does not exceed Rs. 1,000 Rs. 750 and Rs. 500 in the case of such Councils, respectively; provided, however, that the Collector's sanction shall be necessary —

(i) in each case, where the expenses are above the permissible limits herein-before specified;

(ii) in each case, whatever the expense involved, after the annual limits herein-before specified are reached;

(v) any other measure not specified in sub-section (2) likely to promote public safety, health and convenience.

52. Election of President and Vice-President.— (1) Every Council shall have a President and a Vice President, who shall be elected from amongst the Councillors who are elected or deemed to be elected.

(2) Within twenty-five days from the date on which the names of Councillors elected to a Council are published, or as the case may be, first published, under sub-section (1) of section 20, in the Official

Gazette, the Collector shall convene a special meeting of the Councillors for election of a President and Vice-president:

Provided that such meetings shall not be held before the expiry of the term of office of outgoing Councillors as determined under section 42.

(3) The meeting called under sub-section (2) shall be presided over by the Collector or such Officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a Council when presiding over a meeting of the Council has, but shall not have the right to vote:

Provided that notwithstanding anything contained in this Act for regulating procedure at meetings (including the quorum required thereat), the Collector or the Officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

(4) If, in the election of the President or the Vice-President, there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the Collector or the officer presiding in such manner as he may determine.

(5) Any dispute regarding election of the President or Vice-President shall be referred to the Administrative Tribunal, whose decision in that behalf shall be final.

(6) After election of the President and Vice-President the Council shall continue its meeting over which the President shall preside for the purpose of co-opting Councillors. The President shall for reasons which in his opinion are sufficient, refuse to adjourn such meeting until the co-option of Councillors is made. If the President is satisfied that it is necessary so to do, he may adjourn the meeting to a future day not later than fifteen days, but at such adjourned meeting the co-option of Councillors shall be made without any further adjournment.

(7) The co-option of Councillors shall be made in the prescribed manner in accordance with system of proportional representation by means of the single transferable vote.

(8) If, during the term of a Council there is a vacancy in the office of a President or Vice-President due to any reason whatsoever, the same procedure as prescribed in sub-sections (2) to (5) shall apply except—

(a) that the special meeting shall be called by the Collector within twenty-five days from the date on which the vacancy occurs; and

(b) that the co-opted members shall have no right to vote on any motion relating to the election of the President or the Vice-President.

56. Removal of President and Vice-President.—(1) A President or a Vice-President shall cease to be President or Vice-President, as the case may be, if the Council by a resolution passed by a majority of the total number of Councillors (excluding the co-opted Councillors) at a special meeting so decides.

(2) The requisition for such special meeting shall be signed by not less than one-fourth of the total number of Councillors (excluding the co-opted Councillors) and shall, if such meeting is to be convened for considering the resolution for removal from office —

(a) of the President, or of the President as well as the Vice-President, be sent to the Collector;

(b) of the Vice-President, be sent to the President.

(3) The Director or, as the case may be, the President shall within ten days of the receipt of a requisition under sub-section (2) convene a special meeting of the Council:

Provided that, when the Director convenes a special meeting of the Council, he shall give intimation thereof to the President.

(4) A meeting to consider a resolution under sub-section (1) shall be presided over —

(a) by the Director or any other officer authorised by him in this behalf, when a resolution for the removal of the President or of the President and Vice-President is under consideration, but he shall have no right to vote;

(b) by the President, when a resolution for the removal of the Vice-President is under consideration:

Provided that no order shall be passed by the such meeting, the meeting shall be presided over by a Councillor elected by the Councillor present from amongst themselves (excluding the co-opted Councillors).

The co-opted Councillors present at the meeting shall have no right to vote on any resolution relating to the removal of the President or the Vice-President.

61. Simultaneous vacancy in the office of President and Vice-President.— In the event of the offices of the President and the Vice-President of a Council becoming vacant simultaneously, pending the election of a new President, the powers and duties of the President shall be exercised and performed by the Director or such other officer as the Director may in this behalf appoint.

63. Standing and Subjects Committees for all classes of Councils.— (1) Every municipal Council shall appoint a Standing Committee and may appoint such Subject Committees, as it may deem necessary.

(2) The Standing Committee shall consist of such number of members as the Council may determine, so however that the number of members so determined shall not exceed one third of the total number of Councillors:

Provided that in so determining the number of the members of the Standing Committee, a fraction shall be ignored.

(3) If the Council decides to appoint any Subjects Committee, such Committee shall consist of not more than five members, as it may determine.

(4) The President shall, within seven days of his election as president under section 52 call special meeting of the Council for the purpose of —

(a) determining the number of members of the Standing Committee;

(b) determining the Subjects Committee or Committees, if any, to be appointed, and the number of members of each such Committee, and if more than one such committee are to be appointed, the Subjects Committee of which the Vice-President shall be the ex-officio Chairman;

(c) holding elections to the Standing Committee and the Subjects Committee or Committees, if any, in the manner prescribed by the Government.

(5) If more than one Subjects Committee are to be appointed, the Chairman of the Subjects Committee, other than that of which the Vice-Chairperson is to be the *ex-officio* Chairman, shall be elected by the members thereof, at the meeting convened under sub-section (4).

64. *Constitution of Standing Committee of Councils.*— The Standing Committee referred to in sub-section (1) of the last preceding section shall consist of —

(a) the President of the Council as the Chairman.

(b) the Chairman or Chairmen of the Subjects Committees, if any, appointed under clause (b) of sub-section (4) of that section, and if no such Subjects Committee is appointed, the Vice-President, as the member or members; and

(c) such other members elected by the Councillors from amongst their number in the manner laid down in clause (c) of sub-section (4) of section 63, so however that the total number of members of the Standing Committee shall not exceed the number determined under clause (a) of sub-section (4) of the said section:

Provided that no Councillor shall be eligible to be a member of the Standing Committee, if he is already elected as a member of more than one Subjects Committee.

65. *Special committees.*— A Council may from time to time appoint Special Committees consisting of such Councillors and for such duration as it may determine, and may refer to such Committees such special subjects or matters relating to the purposes of this Act, for opinion or inquiry and report, as the Council may think fit. The Council may at any time discontinue or alter the constitution of any such Committee. Such Committee may be directed by the Council to submit its report or opinion, either to the Council, the Standing Committee or any of its Subjects Committees.

66. *Term of office of Chairman and members of Standing and Subjects Committees.*— (1) the term of office of the Chairman of the Standing Committee shall be co-terminous with his term of office as President.

(2) The term of office of the Chairman of a Subjects Committee of which the Vice-President is the *ex-officio* Chairman shall be co-terminous with his term of office as Vice-President.

(3) The term of office of the Chairman of other Subjects Committees and of the members of the Standing Committee and all Subjects committees shall be one year or for the residue of their term as Councillors, whichever is less, but each of them shall be eligible for re-election:

Provided that, if any such Chairman absents himself from the municipal area for an aggregate period exceeding six months during the year, whether with or without leave of the Council, he shall cease to be the Chairman.

67. *Casual vacancies in Committees of the Council.*— A vacancy occurring in any Committee of a Council due to any reason whatsoever, shall, as soon as possible, be filled up by the election of a member thereto, subject to the same provisions as those under which the member whose place is to be filled up was elected.

CHAPTER IV

Director of Municipal Administration and Collector

71. *Appointment of Director of Municipal Administration and his powers and the powers of the Collector.*— (1) The Government shall, by notification in the Official Gazette, appoint a Director of Municipal Administration. His jurisdiction shall extend to the entire State of Goa.

(2) The Director, shall exercise such powers and perform such duties as are conferred and imposed upon them by this Act or any rule made thereunder. The Government may, by notification in the Official Gazette, direct that any power (except the power to make rules) or duty which by this Act or by any rule made thereunder is conferred or imposed upon it shall, in such circumstances and under such conditions, if any, as may be specified, be exercised or performed also by the Director.

(3) Notwithstanding anything contained in sub-section (1) and (2), the Government may, by notification in the Official Gazette, appoint an Additional Director of Municipal Administration having jurisdiction over such part of the State of Goa and with such powers as may be specified in this behalf in the said notification.

75. *Powers and duties of other officers and servants.*— The powers and duties of all officers and servants of the Council, other than the Chief Officer, shall be such as the Standing Committee may specify from time to time.

78. *Provision in regard to meetings of Council.*— The following provisions shall be observed with respect to the meetings of a Council:—

(1) There shall be held six ordinary meetings in each year for the disposal of general business, in every alternate month commencing from the month in which the first meeting of the Council under section 52 is held, and such other ordinary meetings as the President may find necessary. It shall be the duty of the President to fix the dates for all ordinary meetings and to call such meetings.

(2) The President may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the total number of Councillors and on a date not later than fifteen days after the receipt of such request by the President, call a special meeting.

(3) If the President fails to call a meeting within the period specified in clause (1) or clause (2), the Councillors who had made a request for the special meeting being called, may request the Director to call a special meeting. On receipt of such request, the Director, or any officer whom he may designate in this behalf, shall call the special meeting on a date within fifteen days from the date of receipt of such request by the Director. Such meeting shall be presided over by the Director or the officer designated, but he shall have no right to vote.

(4) (a) Seven clear days' notice of any ordinary meeting, and three clear days notice of a special meeting, specifying the date hour and place at which such meetings in to be held and the business to be transacted thereat shall be served upon the Councillors, and posted up at the municipal office. The notice shall include any motion or proposition of which a Councillor shall have given written notice, not less than ten clear days previous to the meeting, of his intention to bring forward thereat and in the case of a special meeting, any motion or proposition mentioned in any written request made for such meeting;

(b) notwithstanding anything contained in sub-clause (a) in an emergency, for reasons to be recorded in writing, the President may call a special meeting of the Council with only one day's notice served upon the Councillors and posted up at the municipal office.

(5) Every meeting of a Council shall, except for reasons to be specified in the notice convening the meeting, be held in any of the buildings used as a municipal office by such Council.

(6) Every meeting shall, in the absence of both the President and the Vice-President, be presided over by such one of the Councillors present as may be chosen by the meeting to be the Chairman for the occasion and such Chairman shall exercise thereat the powers vested in the President by clause (a) of sub-section (1) of section 59.

(7) (a) The Presiding authority shall preserve order at the meeting. All points of order shall be decided by the presiding authority with or without discussion as it may deem fit, and the decision of the presiding authority shall be final;

(b) (i) the presiding authority may direct any Councillor whose conduct is in its opinion disorderly to withdraw immediately from the meeting of the Council and any Councillor so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting;

Provided that the presiding authority may withdraw such order on receiving an apology from the councillor or without such apology;

(ii) if any Councillor who has been ordered to withdraw continues to remain in the meeting, the presiding authority may take such steps as it may deem fit to cause him to be removed.

(8) Every meeting shall be open to the public unless the presiding authority considers that any inquiry or deliberation pending before the Council should be held in private:

Provided that the presiding authority may at any time cause any person to be removed who interrupts the proceedings.

89. *Provisions relating to contracts and tenders.*—(1) In the case—

(a) of every contract which will involve expenditure not covered by a budget grant,

(b) of every contract the performance of which cannot be completed within the official year current at the date of the contract.

the sanction of the Council by a resolution passed at an ordinary meeting shall be necessary.

(2) (a) Every contract under or for any purpose of this Act shall be made on behalf of the Council by the Chief Officer;

(b) No such contract which the Chief Officer is not empowered by this Act to carry out without the approval or sanction of some other municipal authority shall be made by him until or unless such approval or sanction has first of all been duly given;

(c) No contract which will involve an expenditure exceeding Rs. 1,500, Rs. 1,000 and Rs. 500 shall be made by the Chief Officer of 'A' Class, 'B' Class and 'C' Class Council, respectively, unless otherwise authorised in this behalf by the Council, except with the approval or sanction of the Council;

(d) Every contract made by the Chief Officer involving an expenditure exceeding 75 per cent of the limits in clause (c) but not exceeding those limits shall be reported by him within fifteen days after the same has been made to the Council;

(e) The foregoing provisions of this section shall apply to every variation or discharge of a contract to the same extent as to an original contract.

(3) Every contract entered into by a Chief Officer on behalf of a Council shall be entered into in such manner and form as would bind such Chief Officer if such contract were on his own behalf, and may in the like manner and form be varied or discharged:

Provided that—

(a) where any such contract, if entered into by a Chief Officer, would require to be under seal, the same shall be sealed with the common seal of the Council;

(b) every contract for the execution of any work or for the supply or any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the Council and shall specify the work to be done, or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods and in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(4) The common seal of the Council shall not be affixed to any contract or other instrument except in the presence of two members of the Standing Committee who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

(5) A contract not executed in the manner provided in this section shall not be binding on the Council.

(6) Except as is otherwise provided in sub-section (2), a Chief Officer shall before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees give notice by advertisement in a local newspaper, inviting tenders for such contract.

Provided that at least clear seven days shall be allowed to elapse between the date of the publication of the advertisement in the newspaper inviting tenders and the last date fixed for the receipt of tenders by the Chief Officer.

(7) The Chief Officer shall not be bound to accept any tender which may be made in pursuance of such notice, but may, with the approval of the Council, accept any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him.

(8) A Council, after obtaining the approval of the Collector, may authorise the Chief Officer, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as wherein provided or without accepting any tenders which he may receive after having invited them.

(9) A Chief Officer shall require security for the due performance of every contract into which he enters under sub-section (6) and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

293. *Powers to suspend execution of orders and resolutions of council on certain grounds.*—(1) If, in the opinion of the Collector, the execution of any order or resolution of a Council, or the doing of anything which is about to be done or is being done by or on behalf of a Council, is causing or is likely to cause injury or annoyance to the public or is against public interest or to lead to a breach of the peace or is unlawful, he may by order in writing under his signature suspend the execution or prohibit the doing thereof.

(2) When the Collector makes any order under his signature, he shall forward to the Council affected thereby a copy of the order indicating therein the reasons for making it and also submit a report to the Director along with a copy of such order.

(3) Within twenty days from the receipt of such order of the Collector, the Council shall, if it so desires, forward a statement to the Director indicating therein why the order of the Collector should be rescinded, revised or modified. If no such statement is received by the Director within time, the Director shall presume that the Council has no objection if the order of the Collector is confirmed.

(4) On receipt of such report from the Collector and the Council's statement referred to in sub-section (3), if any, the Director may rescind the order or may revise or modify or confirm the order or direct that the order shall continue to be in force with or without modification:

Provided that the Director shall take into account the statement of a Council, if received, before such an order is made by him.

Assembly Hall,
Panaji,
23rd July, 1997

ASHOK B. ULMAN
Secretary to the
Legislative Assembly of Goa

LA/B/1944/1997

The following Bill which was introduced in the Legislative Assembly of Goa on 28-7-97 is hereby published for general information in pursuance of the provisions of Rule - 138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 29th July, 1997.

The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 1997.

(Bill No. 26 of 1997)

A

BILL

*further to amend the Goa Salary, Allowances and Pension of
Members of the Legislative Assembly Act, 1964.*

Be it enacted by the Legislative Assembly of Goa in the Forty-eighth Year of the Republic of India as follows:-

1. *Short title and commencement.* — (1) This Act may be called the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Act, 1997.

(2) It shall come into force at once.

2. *Amendment of section 2.* — In section 2 of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1964 (Act 2 of 1965) (hereinafter referred to as the "principal Act"), in clause (g),—

(a) the expression "and includes" and items "(i) and (ii)" thereof shall be omitted;

(b) in Explanation, the bracket and expression "(including the three or two days immediately preceeding or succeeding)" shall be omitted.

3. *Amendment of section 3.* — In section 3 of the principal Act, —

(a) for the words "one thousand rupees", the words "one thousand and eight hundred rupees" shall be substituted;

(b) for the expression "at the rate of seventy five rupees", the expression "at the rate of three hundred rupees" shall be substituted.

4. *Amendment of section 3A.* — In section 3A of the principal Act, for the words "seven hundred rupees", the words "two thousand and two hundred rupees" shall be substituted.

5. *Amendment of section 3AAA.* — In section 3AAA of the principal Act, for the words "one thousand and five hundred rupees", the words "Four thousand and five hundred rupees" shall be substituted.

6. *Amendment of section 3B.* — In sub-section (1) of section 3B of the principal Act,—

(i) in first proviso, the figures and expression "so, however that, in no case the pension payable to such person shall exceed one thousand and five hundred rupees per mensem" shall be omitted;

(ii) for second proviso, the following shall be substituted, namely:—

"Provided further that any person who has served as aforesaid for any period below two years shall also be paid a pension of five hundred rupees per mensem and for period exceeding two years thereof, shall be paid to him an additional pension of one hundred rupees per mensem for every year or part thereof exceeding six months, so, however that, in no case the pension payable to such person shall exceed seven hundred and fifty rupees per mensem."

7. *Amendment of section 7A.* — In section 7A of the principal Act, for the letters, figures and words "Rs. 800/- per month", the letters, figures and words "Rs. 1500/- per month" shall be substituted.

Statement of Objects and Reasons

As per the existing provision of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1964, a Member of the Legislative Assembly is entitled to receive salary at the rate of Rs. 1000/- per month, during his term of office and also entitled to receive daily allowances at the rate of Rs. 75/-, for each day during the period of his residence on duty. Similarly, a Member is also entitled to D. A. of 3 days, immediately preceding the commencement of the session as well as immediately succeeding the date on which the Assembly is prorogued. Again, he is also entitled to 2 days D. A. for transacting every business of the committee before the commencement of the meeting as well as after transacting the business of the committee, in terms of section 3 of the Act.

It is proposed to amend the section 3 suitably towards enhancing the salary of Rs. 1000/- to Rs. 1800/- per month, and to do away with the daily allowances which is admissible for commencement of the session and thereafter as well as for attending the committee business and providing a flat rate of D. A. of Rs. 300/- per day, exclusive T. A., by amending clause (g) of section 2 of the Act, suitably.

The Consolidated allowance under section 3A, which is restricted to Rs. 700/- per month, is proposed to be enhanced to Rs. 2200/- per month. Further, pensionary benefit which is restricted to a limit of Rs. 1500/- per month irrespective of the number of years served as a Member, is proposed to do away with entailing additional pension of Rs. 100/- per month for every year in excess of 5 years irrespective of the number of years served as a Member of the Legislative Assembly.

It is also proposed to amend section 7A of the Act, towards enhancing the telephone allowance to the extent of Rs. 1500/- per month as against Rs. 800/- fixed thereof. Similarly, Constituency allowance which is restricted to Rs. 1500/- per month, is proposed to be enhanced to Rs. 2500/- per month by amending the provision of section 3AAA suitably.

This Bill seeks to achieve the above objects.

Financial Memorandum

The financial liability on account of enhancement of salaries and certain other benefits admissible to the Members of the Legislative Assembly would be increased to the tune of Rs. 22,08,000/- per year as against Rs. 11,04,000/- per year.

Panaji,
22nd July, 1997

DOMNIC FERNANDES
Minister for
Legislative Affairs

Assembly Hall,
Panaji,
23rd July, 1997

ASHOK B. ULMAN
Secretary to the
Legislative Assembly of Goa

(Annexure to Bill No. 26 of 1997)

The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 1997.

The Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1964) (Act 2 of 1965)

Section — 2 (g) 'period of residence on duty' means the period during which a member resides at a place where a session of the Assembly or a sitting of a committee is held or where any other business connected with his duties as such member is transacted, for the purpose of attending such session or sitting or for the purpose of attending such other business, and includes:—

- (i) in the case of a session of the Assembly, a period of such residence, not exceeding three days immediately

preceding the commencement of the session and a period of such residence, not exceeding three days, immediately succeeding the date on which the Assembly is prorogued or adjourned sine die or for a period exceeding seven days; and

- (ii) in the case of a sitting of a committee or any other business, the period of such residence not exceeding two days, immediately preceding the commencement of the business of the committee or other business and a period of such residence, not exceeding two days immediately succeeding the conclusion of the business of the committee or other business.

"Explanation:— A member who ordinarily resides at a place where a session of the Assembly or a sitting of a Committee is held or where any other business connected with his duties as such member is transacted shall, for the duration of the session or sitting or the time occupied for the transaction of other business (including the three or two days immediately preceding or succeeding), be deemed to reside at such place for the purpose of attending such session or sitting or, as the case may be, for purpose of attending to such other business."

Section 3. — *Salaries and daily allowances.* — A member shall be entitled to receive salary at the rate of one thousand rupees per month during his term of office and shall also be entitled to receive daily allowances at the rate of seventy five rupees for each day during any period of residence on duty:

Provided that the member shall not be entitled to daily allowance for any day during the period of residence on duty unless he has, except due to illness, attended such session or meeting if any, on that day.

"Explanation:— Daily allowance shall be admissible to a member for each day of residence on duty irrespective of the time of his arrival or departure.

Section 3A. *Consolidated Allowance:*— A member shall be during his term of office entitled to receive consolidated allowance at the rate of seven hundred rupees per month to cover conveyance, postage, stationery and constituency expenses.

Section 3AA. *Motor car Advance:*— There shall be paid to a member, by way of repayable advance such sum of money and subject to such conditions as may be prescribed.

Section "3AAA. *Constituency allowance* — Notwithstanding anything contained in any other law for the time being in force, there shall be paid to each Member a constituency allowance at the rate of one thousand and five hundred rupees per month.

"Explanation:— For the purpose of this section 'Member' shall include Ministers, Speaker, Deputy Speaker and also the Leader of Opposition".

Section "3 B. *Pension:*— (1) With effect from the first day of September, 1988 there shall be paid a pension of seven hundred and fifty rupees per mensem to every person who has served as a Member of the Legislative Assembly for a period of five years, whether continuous or not:

Provided that where any person has served an aforesaid for a period exceeding five years, there shall be paid to him an additional pension of one hundred rupees per mensem for every year in excess of five, so, however that, in no case, the pension payable to such person shall exceed one thousand and five hundred rupees per mensem.

"Provided further that any person who has served as aforesaid for a period which falls short of five years by not more than sixty days shall also be paid a pension of seven hundred fifty rupees per mensem."

Provided further that after the death of the member, his widow will be entitled for the pension till her death.

Provided further that after the death of the Member, his or her widow or widower as the case may be, shall be entitled for the pension till her or his death so long as she or he does not remarry.

Provided also that if such widow or widower is gainfully employed then the provisions of Clause (a) and (b) of Sub-Section (3) shall mutatis mutandis apply in her or his case.

(2) Where any person entitled to pension under sub-section (1),— (i) is elected to the office of the President or Vice-President or is appointed to the office of the Governor of any State or the Administrator of any Union territory, or

(ii) becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union territory or any Legislative Council of a State; or

(iii) is employed on a salary under the Central Government or any State Government, or any Corporation owned or controlled by the Central Government or any State Government or any local authority or becomes otherwise entitled to any remuneration from such Government, corporation or local authority,

such person shall not be entitled to any pension under sub-section (1) for the period during which he continues to hold such office or as such member, or is so employed, or continues to be entitled to such remuneration:

Provided that where the salary payable to such person for holding such office or being such member or so employed or whom the remuneration, referred to in clause (iii) payable to such person, is, in either case, less than the pension payable to him under sub-section (1), such person shall be entitled only to receive the balance as pension under that sub-section.

(3) Where any person entitled to pension under sub-section (1) is also entitled to any pension from the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority under any law or otherwise, then

(a) where the amount of pension to which he is entitled under such law or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under that sub-section; and

(b) Where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section.

"Provided that any pension (whether known as Swatantra Sainik Samman pension or by any other name) received by such pensioner as a freedom fighter shall not be taken into account for the purpose of this sub-section and such person shall be entitled to receive such pension in addition to the pension to which he is entitled under sub-section (1)"

(4) In computing the number of years for the purpose of sub-section (1), the period during which a person has served as Minister as defined in the Goa, Salaries and Allowances of Ministers Act, 1964 or as a Speaker or Deputy Speaker as defined in the Goa, Salaries and Allowances of the Speaker and Deputy Speaker Act, 1964 shall also be taken into account."

Section "7A. Telephone facilities:— Where telephone facilities are available at the place declared by Member to be his head-quarters, he shall be entitled to have a telephone at his residence, or at the place where he ordinarily conducts his work relating to the Assembly subject to the condition that he shall meet the cost of the installation of such telephone in full and that, in regard to the recurring charges, he shall be entitled to telephone allowance of Rs. 800/- per month".

Assembly Hall,
Panaji.
23rd July, 1997.

ASHOK B. ULMAN
Secretary to the
Legislative Assembly of Goa.

LA/B/1945/1997

The following Bill which was introduced in the Legislative Assembly of Goa on 25-7-97 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 25th July, 1997.

The Goa Agricultural Tenancy (Amendment) Bill, 1997

(Bill No. 21 of 1997)

A

BILL

further to amend the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

Be it enacted by the Legislative Assembly of the State of Goa in the Forty-eight Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Goa Agricultural Tenancy (Amendment) Act, 1997.

(2) It shall come into force at once.

2. *Amendment of Section 2.* — In section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964) (here in after referred to as the "principal Act"), —

(i) In clause (1A), the figures and words "but does not include allied pursuits", shall be deleted;

(ii) In clause (3), after the expression "and such other pursuits connected with agriculture", the following shall be inserted, namely: —

"so as to include development undertaken by an industrial or commercial undertaking based on agricultural products.";

(iii) In clause (7A), after the words "mango trees", the following words shall be inserted namely:—

"or other fruit bearing plantation";

(iv) In clause (12), after the words "land on lease", the following words shall be inserted namely:—

"and who receives rent";

(v) After clause (19), the following clause shall be inserted, namely:—

"(19B) 'purchaser' means a tenant who has purchased land under section 18C by virtue of being a deemed purchasee and shall be deemed to be the land owner for all purposes;"

3. *Insertion of new section 14A.* — After section 47 of the principal Act, the following shall be inserted, namely:—

"14A: *Transfer of right of title of land:* — If any person or landlord other than the one with whom the tenancy has been created, ceases the proprietary rights over land in pursuance of any court decree or order, the tenants rights shall not be disturbed in any manner under such circumstances but the tenant shall continue to enjoy all rights, obligations and privileges as conferred by the Act."

Statement of Objects & Reasons

Clause 1(A), (3) and (7A) of section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) define the terms "Agriculture" "Allied-pursuits" and "garden" respectively. It is proposed to amend said Clause (1A) so as to include allied-pursuits within the purview of "Agriculture" as also to amend Clause (3) so as to include therein development undertaken by Industrial or Commercial undertaking based on Agricultural products. Clause (7A) of said Section 2 is also proposed to be amended so as to bring other fruit bearing plantations within the purview of the term "garden". It is also proposed to amend Clause (12) of said Section 2 so as to define "landlord" as a person from whom a tenant holds land on lease and who receives rent. A new Clause (19B) is also proposed to be inserted in said section 2 so as to define the word "purchaser". A new Section 14A is also proposed to be inserted in the Act, 1964, so as to provide that a tenants rights shall not be disturbed in any manner in view of any court decree or order.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in the Bill

Panaji,
24th June, 1997.

ANTONIO GAUNKAR
M. L. A.

Assembly Hall,
Panaji
4th July, 1997.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 21 of 1997)

The Goa Agricultural Tenancy (Amendment) Bill, 1997

The Goa Agricultural Tenancy Act, 1964 (Act 7 of 1964)

"(1A) "agriculture" includes horticulture and raising of food crops, grass or garden produce, but does not include allied pursuits;"

(3) "allied pursuits" means rearing or maintaining plough bulls breeding of livestock, dairy farming, poultry farming, grazing on grounds reserved for the purpose and such other pursuits connected with agriculture as may be prescribed;

"(7A) "garden" means land used primarily for growing coconut trees, arecanut trees, cashewnut trees or mango trees;

(12) "landlord" means a person from whom a tenant holds land on lease;

"(19A) "purchase price" means the price determined by the Mamlatdar under section 18C;"

14. Rights of tenants are heritable. — (1) Where a tenant dies, the landlord shall be deemed to have continue the tenancy—

(a) if such tenant was a member of a joint family, to the surviving member or members of the said family, and

(b) if such tenant was not a member of a joint family, to his heir or heirs on the same terms and conditions on which such tenant was holding it at the time of his death.

(2) The surviving members, or as the case may be, the heirs, to whom the tenancy is continued under sub-section (1) shall be entitled to partition and sub-division of the land leased subject to the following conditions:

(a) each sharer shall hold this share as a separate tenant;

(b) the rent payable in respect of the land leased shall be apportioned among the sharers according to the share allotted to them;

and if any question arises regarding the shares or the apportionment of the rent payable by the sharers, it shall be decided by the Mamlatdar whose decision shall be final.

(3) Where any question arises as to the person or persons in whose favour tenancy is deemed to have been continued under the foregoing provisions, such question shall be determined by the Mamlatdar after hearing the landlord and other persons interested in the matter:

Provided that nothing in this sub-section shall preclude the rights of parties being determined by a court of law.

Assembly Hall,
Panaji
July, 1997.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.